

**Sixth Judicial Circuit
Case Assignment Plan
Effective January 1, 2010**

1. **Goal of the Plan:** Pursuant to Administrative Order Number 14, as amended, the judges of the Sixth Judicial Circuit have agreed to a case assignment plan that will maximize the resources of Pulaski and Perry Counties while equitably dividing the caseload among the seventeen (17) circuit judges. The Plan takes into consideration various factors, including, but not limited to the current caseload assignment, the location of the facilities, the number of courtrooms suitable for jury trials, and the desire of each individual judge regarding case assignment.

By presenting this Plan to the Arkansas Supreme Court, the judges of the Sixth Judicial Circuit recognize that the Plan is a compromise of many factors and that the ultimate goal is to serve best the citizens of Pulaski and Perry Counties. We further recognize that this Plan is to be effective from January 1, 2010 through December 31, 2011, and that changes in the Plan may be made depending on changed circumstances during the effective term of the Plan. Any change will be presented for approval of the Arkansas Supreme Court before implementation.

2. **Effective Dates:** This Plan shall be enacted for the period between January 1, 2010 and December 31, 2011. The Plan shall remain in effect during that period unless otherwise modified, and shall continue until the Arkansas Supreme Court has approved another Plan.

3. **Voting:** Pursuant to the Per Curiam Opinion delivered January 30, 2003, a majority of the circuit judges in the judicial district shall be sufficient to adopt a plan. In the Sixth Judicial Circuit, there are seventeen (17) circuit judges; therefore, nine (9) votes are required to adopt a plan, and any modifications thereafter.

4. **Administrative Plan:** All cases are to be apportioned among the circuit judges as equally as possible by random selection, and cases may be reassigned as necessity requires. A circuit judge to whom a case is assigned shall accept that case unless he or she is disqualified or the interests of justice require that the case not be heard by that judge.

Pulaski County Caseload Plan:

- a. **Pulaski County Average Caseload.** Using 2008 case filing figures, the total number of cases filed in Pulaski County was 23,042, a slight increase of cases over the 2006 figures used in the 2008 Plan. The caseload of each circuit judge, if divided equally between the seventeen (17) judges, would be approximately 1355. The circuit judges acknowledge that since the juvenile courtrooms are located separate from the Pulaski County Courthouse, the logistics require a

deviation from the concept of equal case filings for each judge. In that regard, the Plan proposes that the three (3) circuit judges currently hearing juvenile cases maintain caseloads less than the average caseload for the other circuit judges.

b. Breakdown of Subject-Matter Divisions:

Case Type:	Number of Cases:
Criminal	5354 (includes drug court cases)
Civil	7177
Domestic	5791
Juvenile	2602
Probate	2118

c. In general terms, these judges will hear the following type cases in Pulaski County:

1. Warren, Gilbert and Branton will share equally in the juvenile caseload.
2. Humphrey, Wright, Proctor, Piazza and Sims will share in the criminal caseload.
3. Piazza, Moody, Proctor, Fox, Gray, Kilgore, Pierce and McGowan will share in the civil caseload.
4. Gray, Kilgore, Smith, Moore, Brantley, Pierce, McGowan, Moody and Fox will share in the domestic caseload.
5. Gray, Kilgore, Smith, Moore, Brantley, Pierce and McGowan will share in the probate caseload.
6. McGowan will continue to hear all Drug Court cases.

d. The division of cases is listed below. The numbers of cases listed are approximations because the filings will vary from year to year. However, using the 2008 case filings figures, each judge would be assigned cases approximately as listed:

Div.	Judge	Percentage (No. of cases)	Total
1st	Humphrey	28% criminal (1473)	1473
2nd	Piazza	8% criminal (421); 14% civil (1004)	1425
3rd	Moody	19% civil (1364); 2% domestic (116)	1480
4th	Wright	28% criminal (1473)	1473
5th	Proctor	8% criminal (421); 14% civil (1004)	1425
6th	Fox	19% civil (1364); 2% domestic (116)	1480
7th	Sims	28% criminal (1473)	1473
8th	Branton	33.3% juvenile (867)	867
9th	McGowan	100% drug court (92); 10% civil (718); 6% domestic (348); 13% probate (302)	1460
10th	Warren	33.3% juvenile (867)	867
11th	Gilbert	33.3% juvenile (867)	867
12th	Gray	8% civil (574); 10% domestic (580);	

13 th	Kilgore	13% probate (302) 8% civil (574); 10% domestic (580); 13% probate (302)	1456 1456
14 th	Smith	20% domestic (1158); 13% probate (302)	1460
15 th	Moore	20% domestic (1158); 13% probate (302)	1460
16 th	Brantley	20% domestic (1158); 13% probate (302)	1460
17 th	Pierce	8% civil (574); 10% domestic (580); 13% probate (302)	1456

This Plan is made with the specific understanding that pursuant to Administrative Order No. 14, a new plan will have to be submitted to the Arkansas Supreme Court after each election. The judges agree that this Plan will not create a precedent as to how cases are assigned in the future.

e. Pairing of Courtrooms and Jury Pools. Since not all judges have courtrooms that are suitable for jury trials, those judges lacking such a courtroom shall pair with a circuit judge who does have a courtroom suitable for a jury trial. The pairing judge shall coordinate the setting of jury trials, the sharing of jury pools, and resolve any other issue that arises that will facilitate the setting of jury trials. A request for a jury trial by one of the judges will take precedence over any non-jury matter. Any judge is free to contact other judges other than their pairing judge for the use of their courtroom. Any judge hearing juvenile cases and in need of courtroom facilities for a jury trial shall contact any of the judges at the Pulaski County Courthouse to arrange for the use of their courtroom and jury pool. The courtrooms of Judge Collins Kilgore and Judge Alice Gray on the 3rd floor of the Pulaski County Courthouse are now available for jury trials.

Pairings:

Judge Mackie Pierce—Judge Alice Gray
 Judge Mary Ann McGowan—Judge Collins Kilgore
 Judge Ellen Brantley—Judge Jay Moody

Judges Pierce, McGowan or Brantley are free to contact other Circuit Judges to use their courtroom but should first contact their pairing judge.

Perry County Caseload Plan:

a. In 2008, there were a total of 384 cases filed in Perry County:

Criminal	54
Civil	114
Domestic	128
Juvenile	39
Probate	49

b. The Circuit Clerk of Perry County will assign each new case to one of the seventeen (17) circuit judges. The assigned judge is responsible for the case file; however, by agreement of the circuit judges, nothing shall preclude any other circuit judge from hearing any and all routine and uncontested matters irrespective to which judge the case is assigned.

c. The circuit judges hearing criminal cases in Perry County will each have a pre-trial day and then a trial day approximately two (2) weeks later, if necessary. Judges Humphrey, Proctor, Piazza, Wright, Sims, Moore and McGowan will hear criminal cases in Perry County on a rotating basis.

d. Those circuit judges hearing civil, domestic and probate cases in Perry County will be Judges Gray, Proctor, Fox, Pierce, Moody, Brantley, McGowan, Kilgore, Moore and Smith.

e. Those circuit judges hearing juvenile cases in Perry County will be Judges Warren, Gilbert and Branton.

5. **Meetings for Judges:** The Administrative Judge shall establish regular meetings for all circuit judges of at least quarterly, or more or less often, as is necessary. If at least three (3) circuit judges request a special meeting, the Administrative Judge shall promptly call a meeting for all circuit judges.
6. **Election of Administrative Judge:** An election for Administrative Judge was held in February, 2009. Judge Vann Smith was elected Administrative Judge by secret ballot by a vote of 16-1. Judge Smith will serve as the Administrative Judge until such time as the next election is required to be conducted in accordance with Administrative Order No. 14.
7. **Vacancy:** As a vacancy occurs in one of the seventeen (17) divisions, the use of seniority will be utilized to fill the vacancy. The most senior judge would have the first option to elect to fill the vacancy. All subsequent vacancies occurring by this election would then be filled in a like manner using seniority. The use of seniority will in no way be used to circumvent the terms

of the Hunt decree. No sitting judge could be removed from his/her existing caseload or chambers using this process.

8. Pilot District Court Judges:

Pursuant to Supreme Court Administrative Order No. 18, section 6, and legislation passed in the most recent legislative session, four (4) District Judges in Pulaski County were made full-time District Judges: Judge Wayne Gruber, Judge Jim Hamilton, Judge Randy Morley and Judge Robert Batton.

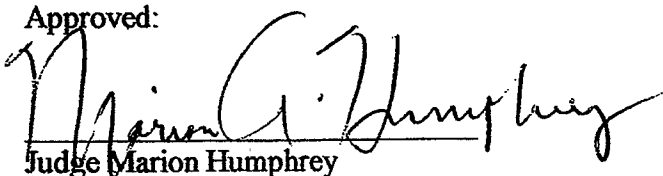
The full-time District Judges are authorized to hear certain cases that have been referred to them by the Circuit Judges of Pulaski County, Arkansas or cases which have been transferred to them by consent, pursuant to Administrative Order No. 18.

The full-time District Judges have signed an exchange agreement, a copy of which is attached to this Case Assignment Plan, permitting the respective judges to sit in the respective courts other than their own pursuant to and under the authority of Ark. Const. Amend. 80, Sec. 7; Ark. Code Ann. Sec. 16-17-102 and Supreme Court Administrative Order No. 18, section 6. By signing this exchange agreement, the District Judges will have the authority to hear circuit court cases with jurisdiction and venue in Pulaski County that have either been referred to them or which have been transferred to them by consent.

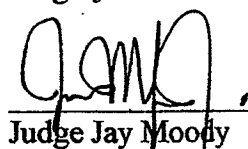
The Circuit Judges of the Sixth Judicial Circuit, as indicated by their approval to this Plan, intend to utilize the full-time District Judges to the fullest extent possible and are working on an implementation plan to satisfy the requirements of Administrative Order No. 18, section 6.

The Case Assignment Plan for the Sixth Judicial Circuit is hereby submitted to the Arkansas Supreme Court for approval on the 20th day of October, 2009.

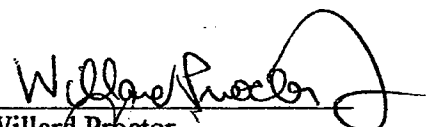
Approved:

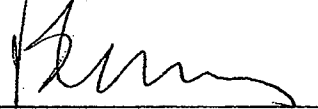

Judge Marion Humphrey


Judge Chris Piazza

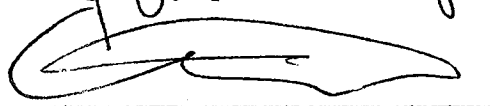

Judge Jay Moody

Judge Herb Wright

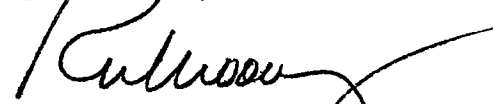

Judge Willard Proctor

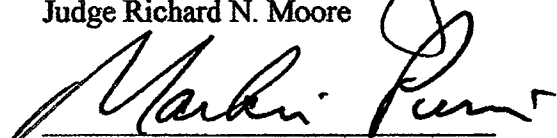

Judge Barry A. Sims



Judge Mary Spencer McGowan

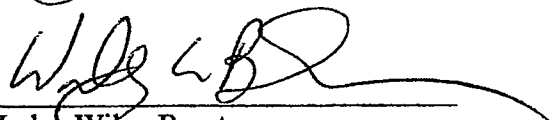

Judge Melinda Gilbert

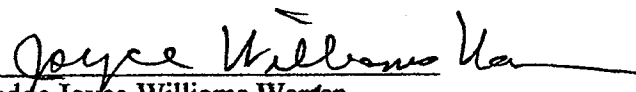

Judge Collins Kilgore

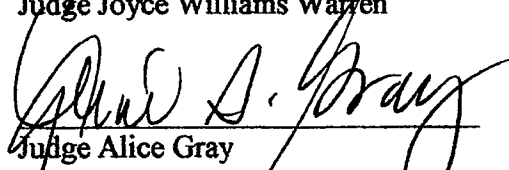

Judge Richard N. Moore

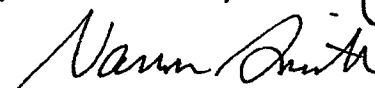

Judge Mackie Pierce

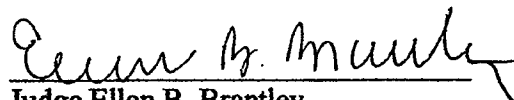

Judge Tim Fox


Judge Wiley Branton


Judge Joyce Williams Warren


Judge Alice Gray


Judge Vann Smith


Judge Ellen B. Brantley

IN THE DISTRICT COURTS OF
PULASKI COUNTY, JACKSONVILLE, AND NORTH LITTLE ROCK

IN THE MATTER OF EXCHANGE OF JURISDICTION

We, the undersigned judges, respectively, of the above-styled courts, hereby exchange jurisdiction until such time as such exchange is terminated.

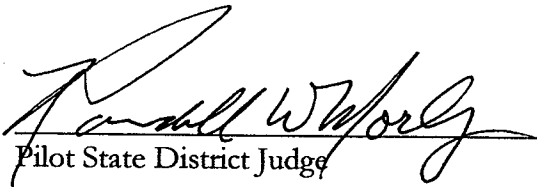
Implementation of this exchange shall be by mutual agreement of the judges in particular cases and for specified periods of time.

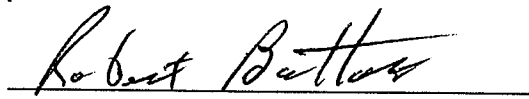
It is the intent of this agreement, as and when implemented, to permit respective judges to sit in the respective courts other than their own pursuant to and under the authority of Ark. Const. Amend. 80, § 7; Ark. Code Ann. § 16-17-102 and Supreme Court Administrative Order Number 18, section 6.

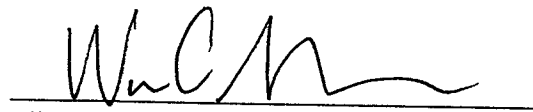
Nothing in this exchange shall prevent the judges from exercising and discharging the authorities, duties and prerogatives of their own offices and courts.

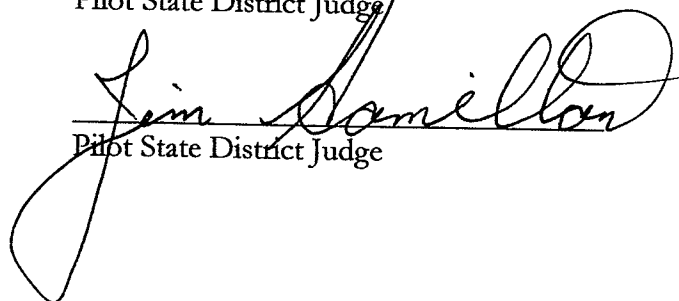
This agreement directed to be filed and recorded in the records of the respective courts by the clerks thereof.

Witness our hands this 1st. day of July, 20 09.


Pilot State District Judge


Pilot State District Judge


Pilot State District Judge


Pilot State District Judge